

IN RE: PETITION FOR RESIDENTIAL	* BEFORE THE
ZONING VARIANCE	
E/S White Oaks Avenue, 2314' E	* ZONING COMMISSIONER
of c/l Hilton Avenue	
861 White Oaks Avenue	* OF BALTIMORE COUNTY
1st Election District	
1st Councilmanic District	* Case No. 95-288-A
Louis T. Toth, et ux	
Petitioners	*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Louis T. Toth and Celene M. Toth, his wife, for that property known as 751 White Oaks Avenue in the Phase 2, Patapsco Woods subdivision of Baltimore County. The Petitioner/property owners herein seek a variance from Sections 504, 301.1A of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 ft. for an open projection (deck), in lieu of the required 11-1/4 ft., as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

ORDER RECEIVED FOR FILING  
 Date 3/22/95  
 By M. Dorak


*[Handwritten signature/initials]*

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22<sup>nd</sup> day of March, 1995 that the Petition for a Zoning Variance from Sections 504 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 0 ft., for an open projection (deck), in lieu of the required 11-1/4 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March <sup>22</sup>~~16~~, 1995

Mr. and Mrs. Louis T. Toth  
751 White Oaks Avenue  
Catonsville, Maryland 21228

RE: Petition for Administrative Variance  
Case No. 95-288-A  
Property: 751 White Oaks Avenue

Dear Mr. and Mrs. Toth:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
encl.





# Petition for Administrative Variance

95-288-A

## to the Zoning Commissioner of Baltimore County

for the property located at 751 WHITE OAKS AVE, CATONSVILLE, MD 21228  
which is presently zoned DR2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 504 (V.B.G.B. CMPD), 301.1A

To allow a side yard setback of zero feet for an open projection (deck) in lieu of the required 11-1/4 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The property on the side of the house on which the deck is proposed to be built is not safely accessible because this side slopes down and is dangerously steep.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee.

Legal Owner(s)

(Type or Print Name)

LOUIS T. TOTH  
(Type or Print Name)

Signature

Signature

Address

CELENE M. (CZAJKOWSKI) TOTH  
(Type or Print Name)

City

State

Zipcode

Signature

Celene M. Czajkowski Toth

HOME: 747-2667

Attorney for Petitioner

(Type or Print Name)

751 WHITE OAKS AVE. WORK: 583-4617  
Address Phone No.

Signature

CATONSVILLE, MD 21228  
City State Zipcode  
Name, Address and phone number of representative to be contacted

Address

Phone No.

Name

City

State

Zipcode

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature]

DATE: 2-24-95

ESTIMATED POSTING DATE: 3/26



Printed with Soybean Ink  
on Recycled Paper

ITEM #: 284

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 751 WHITE OAKS AVE.  
address  
CATONSVILLE, MD 21228  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

The property on this side of the house is not level, and slopes down and away from the house. It is dangerously steep and is not easily accessible. A deck will provide a flat, level surface to walk on, and, thus, will allow safe access around this side of the house. It will have a low profile; it will be approximately at ground level along the house and be approximately 3 to 4 feet high along the property line. This side of the property is adjacent to Homeowners Association (HOA) open space. It is not adjacent to any of the neighbors' properties. As the attached letter states, the HOA has given approval of the deck. The deck is hardly visible, if visible at all, to the adjacent neighbors. The HOA open space is heavily wooded and is almost never used. The open space extends out approximately 100 feet and more, and beyond it is a 100-year flood plain reservation which is all wooded and which has a small stream. Beyond the flood plain area is Catonsville Community College. See attached section of grading plan for illustration.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Louis T. TOTH  
(signature)  
LOUIS T. TOTH  
(type or print name)



Celene M. Czajkowski TOTH  
(signature)  
CELENE M. (CZAJKOWSKI) TOTH  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13 day of February, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

LOUIS T. TOTH & CELENE M. CZAJKOWSKI TOTH

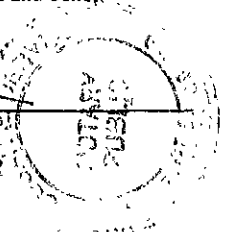
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

2/13/95  
date

Susan C. DeB...  
NOTARY PUBLIC

My Commission Expires: 11/28/98



95-288-A

284

6 February 1995

Lou and Celine Toth  
751 White Oaks Avenue  
Baltimore, MD 21228

Subject: ARC Committee Review of Proposed Deck; Approval

Please be advised that the Architectural Review Committee of the Patapsco Woods Home Owners Association has reviewed and approved your application for a deck in the rear and sides of your property. This approval is based on the revised drawings of 1/31/95 which reflect that the side portion of the deck will not extend beyond your property line and therefore will not encroach upon the HOA's common area.

Please note that our review is for architectural consistency and compliance with HOA and covenant requirements; it does not represent a review for compliance with county or state building codes.

If there are any questions, please contact the undersigned.

Very truly yours,



Sheldon C. Smith  
ARC Committee Chairman

LCT



SUBDIVISION: \_\_\_\_\_

## ARCHITECTURAL REVIEW COMMITTEE

ARCHITECTURAL CHANGE REQUEST  
APPLICATION

95-288-A

284

1. Applicant's Name: Low + Celene Toth Date: 12/21/94  
Address: 751 White Oaks Ave Home Ph: 747-2667  
Lot#: \_\_\_\_\_ Block: \_\_\_\_\_ Townhome( ) Single Family( )  
Work Ph: \_\_\_\_\_

2. Description of Alteration/Change: Deck on side of home facing common area woods

3. NOTE: Information listed below is necessary for consideration of the following changes and must accompany application:

- A) Addition/physical alteration (deck, room addition, fence, shed, play, equipment, patio):  
(1) location survey/site plan to show location on property with respect to house, boundary lines, neighboring homes and street;  
(2) blue print or sketch to indicate dimensions, and design;  
(3) type of materials to be used, size, and type of finish/stain.

B) Paint/Stain: (only fill out this section if changing existing color of home, doors, trim, etc.)

- (1) Paint chip (manufacturer sample) sample must accompany application.

(2) Current Color of home or accent: \_\_\_\_\_  
Doors: \_\_\_\_\_ Garage Door: \_\_\_\_\_  
Siding: \_\_\_\_\_ Shutters: \_\_\_\_\_  
Other Accent: \_\_\_\_\_ Gutters/Downsp: \_\_\_\_\_

(3) Color change/alteration: \_\_\_\_\_  
Doors: \_\_\_\_\_ Garage Door: \_\_\_\_\_  
Siding: \_\_\_\_\_ Shutters: \_\_\_\_\_  
Other Accent: \_\_\_\_\_ Gutters/Downsp: \_\_\_\_\_

Owner's signature: Louis T. Toth Date: 2/7/95  
Celene M. Toth

Committee Use: Date Received: 12/21/94 By: \_\_\_\_\_

4. Architectural Control Committee Action Taken:

Your request for approval of deck

has been approved ☒ disapproved \_\_\_\_\_

## Comments:

- ☒ This construction must commence within six (6) months and completed within one (1) year from the date of this approval.  
☒ Any damage to nearby common or private areas must be corrected within fifteen (15) days of completion of this construction.  
☒ The homeowner is responsible for obtaining any applicable Baltimore County Building Permits.  
☒ Please contact "Miss Utility" at 800-257-7777 prior to any digging.  
☒ Any changes in drainage due to this construction are now the homeowners responsibility.  
☒ All side & rear yard lot lines must be strictly adhered to.  
Additional comments: \_\_\_\_\_

Chairperson signature: Sheldon C. Smith Date: 2/6/95

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

95-288-A

District: 1st

Date of Posting: 2/27/95

Posted for: Variance

Petitioner: Louis T. & Coleen M. Toth

Location of property: 751 White Oak Ave, E/S

Location of Signs: Facing roadway on property being posted

Remarks: \_\_\_\_\_

Posted by

M. Healy  
Signature

Date of return:

3/3/95

Number of Signs:

1







Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

95-288-A

Account: R-001-6150

Date 2-14-95

Item Number 284

Taken in by Self

Louis T. Toth

751 White Oaks Ave.

H 010	Residential Variance (ADMR) filing fee	\$ 50.00
H 080	Sign & posting	35.00

Total \$ 85.00

ENCLOSURE

ENCLOSURE

ENCLOSURE

Please Make Checks Payable To: Baltimore County

284

**Zoning Description**

95-288-A

ZONING DESCRIPTION for 751 White Oaks Avenue, Catonsville, Maryland 21228

Beginning at a point on the east side of White Oaks Avenue which is 50 feet wide at the distance of 2,414 feet east of the centerline of the nearest improved intersecting street, Hilton Avenue, which is 75 feet wide. Being Lot # 166, Section # 8 in the subdivision of Phase Two Patapsco Woods as recorded in Baltimore County Plat Book # 57, Folio # 103, containing 0.313 acres. Also known as 751 White Oaks Avenue, Catonsville, Maryland, 21228 and located in the 1st Election District, 1st Councilmanic District.

2024/11/15 10:11 AM

Baltimore County Government  
Office of Zoning Administration  
and Development Management



cop y

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

February 23, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-288-A (Item 284)  
751 White Oaks Avenue  
E/S White Oaks Avenue, 2414' E of c/l Hilton Avenue  
1st Election District - 1st Councilmanic  
Legal Owner(s): Louis T. Toth and Celene M. (Czajkowski) Toth

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before February 26, 1995. The closing date (March 13, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Louis and Celene Toth



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

March 8, 1995

Mr. and Mrs. Louis Toth  
751 White Oaks Avenue  
Catonsville, Maryland 21228

RE: Item No.: 284  
Case No.: 95-288-A  
Petitioner: Louis Toth, et ux

Dear Mr. and Mrs. Toth:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 14, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: March 7, 1995

SUBJECT: 751 White Oaks Avenue

INFORMATION:

Item Number: 284  
Petitioner: Toth Property  
Property Size: .313 acre  
Zoning: DR-2  
Requested Action: Variance  
Hearing Date:       /      /      

SUMMARY OF RECOMMENDATIONS

The applicant requests a Variance to permit a side yard setback of zero feet for a deck in lieu of the required 11-1/4 feet.

Based upon the information provided, this office offers the following comment:

As pointed out in the letter from the Architectural Review Committee of the Patapsco Woods Home Owners Association, it is essential that the applicant understand that no portion of the deck or any other improvement is permitted to extend into the HOA area. With the exception of this concern, the staff offers no other comments regarding the appropriateness of the requested Variance.

Prepared by: Jeffrey W. Long  
Division Chief: Gary L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director                      DATE: March 3, 1995  
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for March 6, 1995  
Items 284, 285, and 288

The Developers Engineering Section has reviewed  
the subject zoning item and we have no comments.

RWB:sw



**Maryland Department of Transportation**  
**State Highway Administration**

O. James Lighthizer  
Secretary

Hal Kassoff  
Administrator

3-6-95

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: \* 204 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2268 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 3-1-95

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: 2-27-95

The Department of Environmental Protection & Resource Management has (no) comments for the following Zoning Advisory Committee Items:

Item #'s: 271  
284 ✓  
285  
286  
288  
289

*Bruce Aalby*  
3-1-95

LS:sp

LETTY2/DEPRM/TXTSBP



Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/P7/95

Arnold Jahlton  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF FEB. 27, 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS 284, 286, 287 AND 288.

**RECEIVED**  
MAR 1 1995  
**ZADM**

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



W 36,000 S 16,000  
N 517,000

E 873,000

W 34,500

**D.R. 2**

S 17,000

SW 5 F

S 18,000

ITEM # 284

**R.C. 2**

(SHEET SW-5-G)

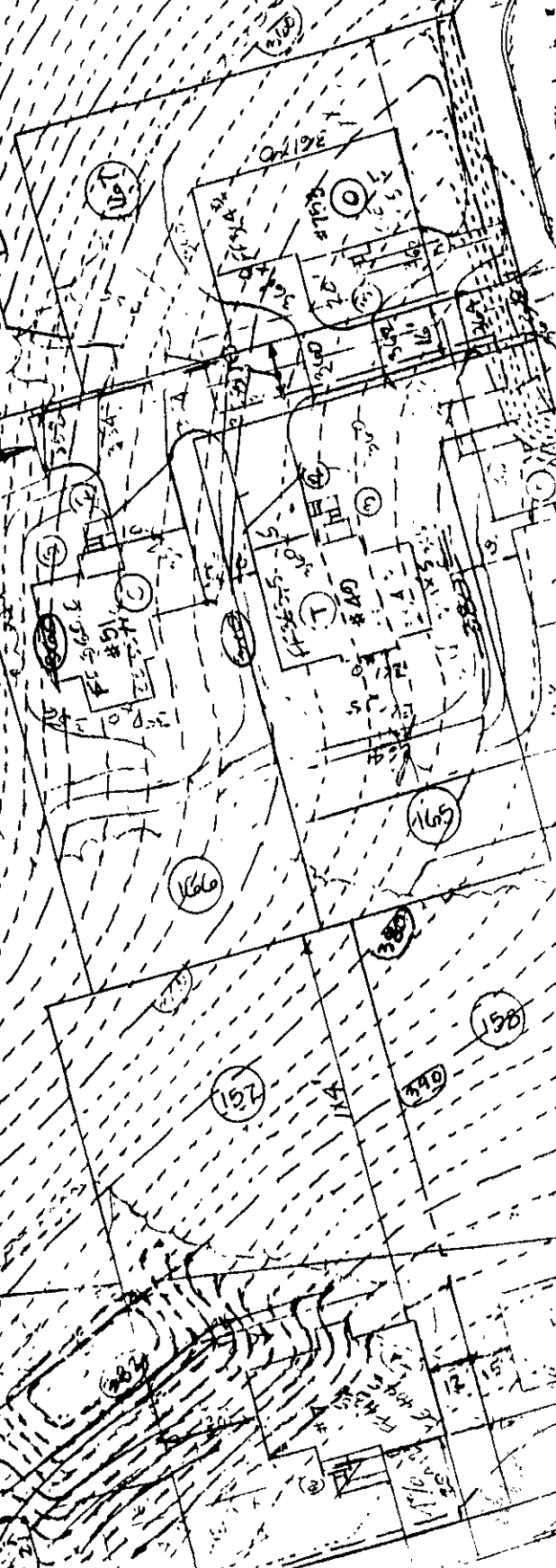
Copied from Grading Plan of Phase II.  
Section Six, Seven and Eight  
Patapsco Woods (Scale 1" = 50')

FLOOD  
RESERVATION

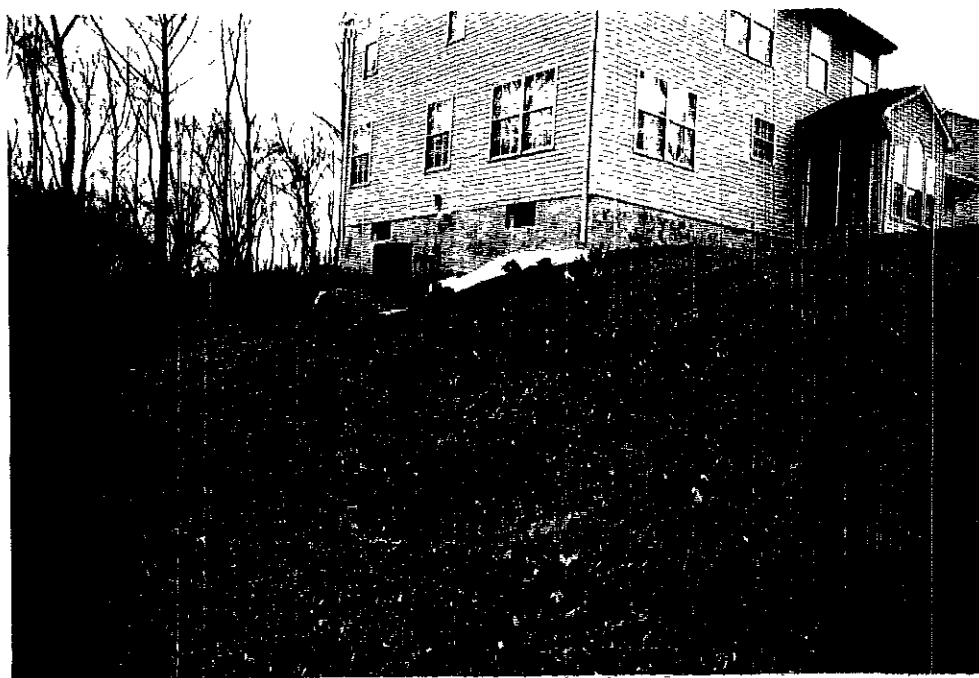
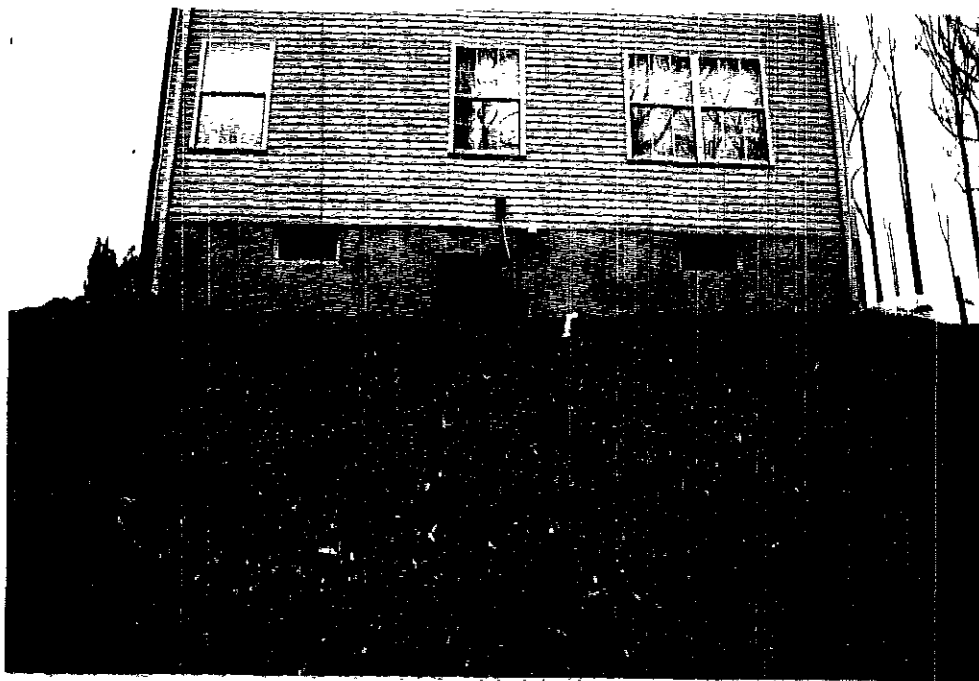
100 YEAR  
PLAIN

OPEN SPACE

IS H.Q. A DUTY  
EASEMENT



A high-contrast, black and white photograph of a large, multi-story house with a prominent chimney and a covered porch, situated on a steep, dark hillside. The house has several windows, some with shutters. The foreground is dominated by the dark, textured slope of the hill.



*[Faint handwritten notes at the bottom of the page]*



Ref No. 1

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

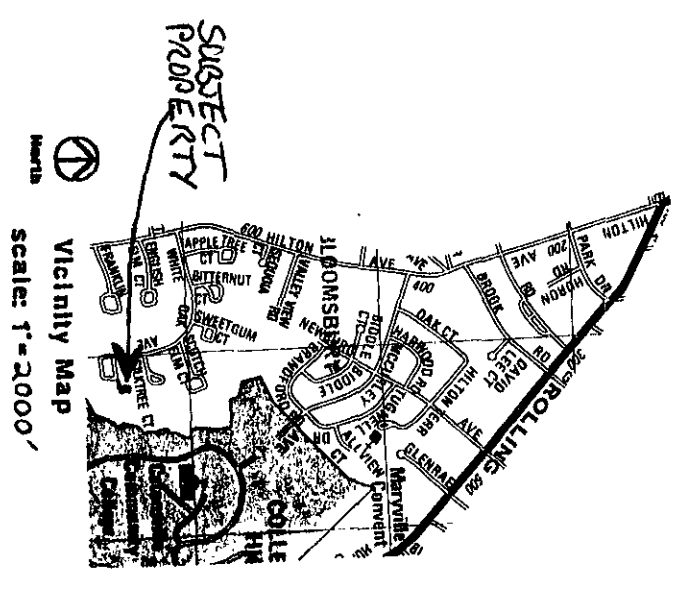
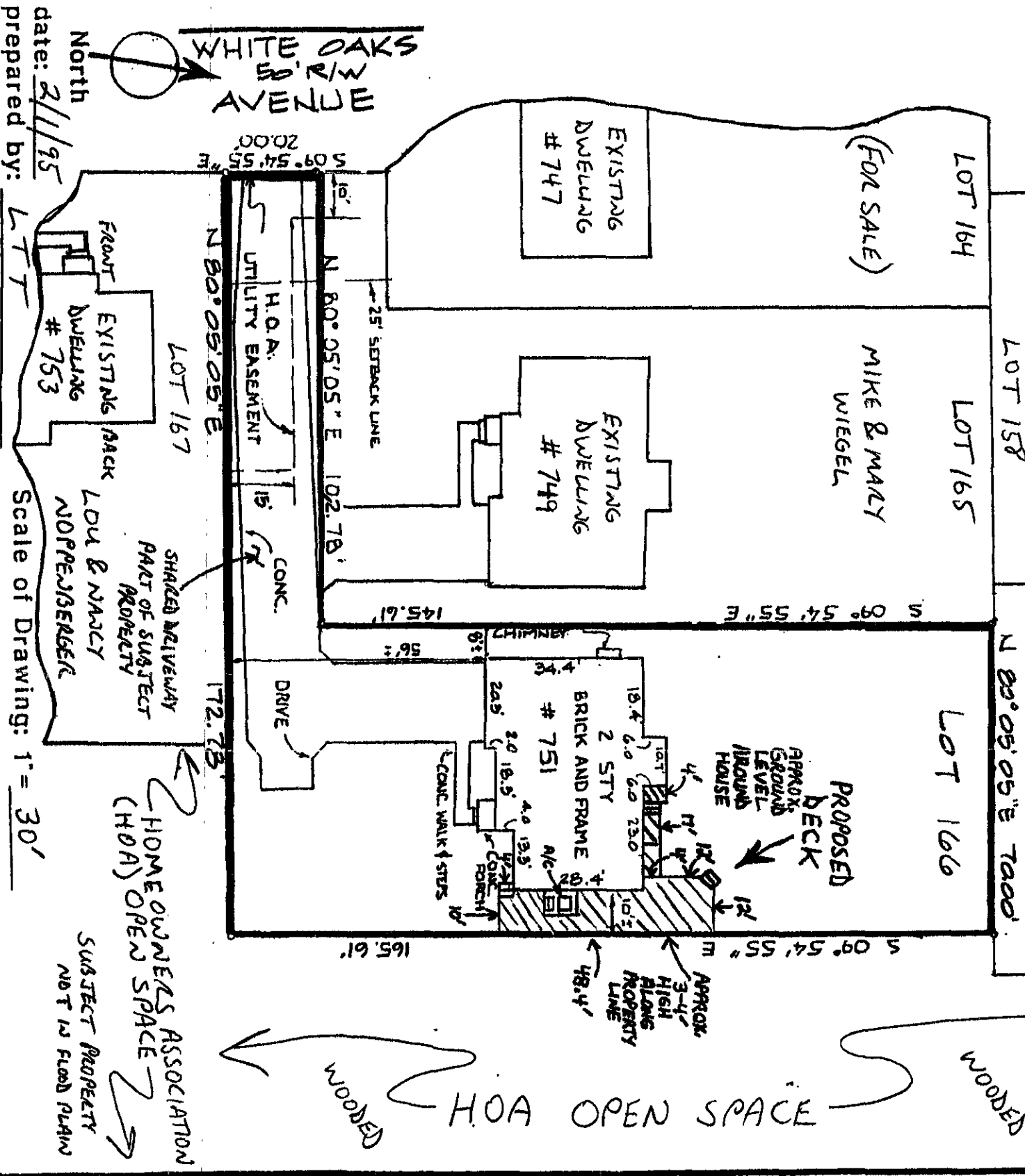
PROPERTY ADDRESS: 751 WHITE OAKS AVE, CATONSVILLE, MD

Subdivision name: PHASE TWO PATRISCO WOODS 21228

plat book # 57, folio # 103, lot # 166, section # 8

OWNER: LOUIS T. TOTTH & CELENE M. (CHASKOWSKI) TOTTH

see pages 5 & 6 of the CHECKLIST for additional required information



LOCATION INFORMATION

Election District: O1  
Councilmanic District: 1

1"=200' scale map#: SW 5F

Zoning: RA-2

Lot size: 0.313 acreage 13,648.3 square feet

SEWER: ☒ PUBLIC ☐ PRIVATE  
WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: 95-288-A

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

284

95-288-F

LOCATIONS OF VIEWS  
IN PHOTOGRAPHS (5) ITEM # 284

# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 751 WHITE OAKS AVE, CATONSVILLE, MD

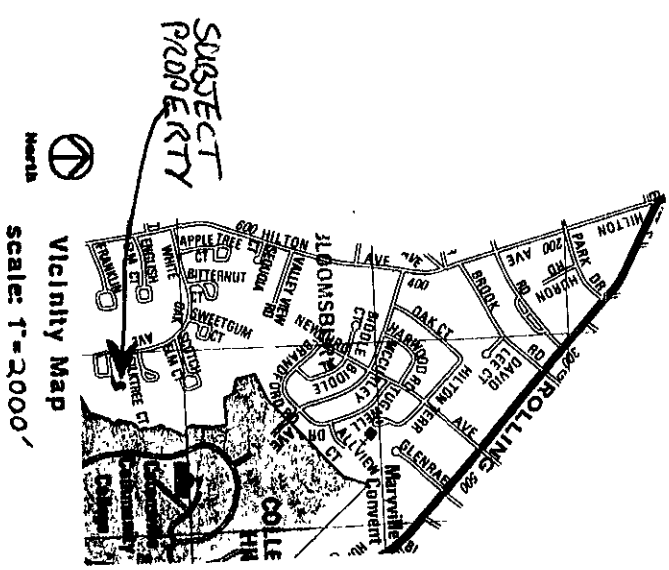
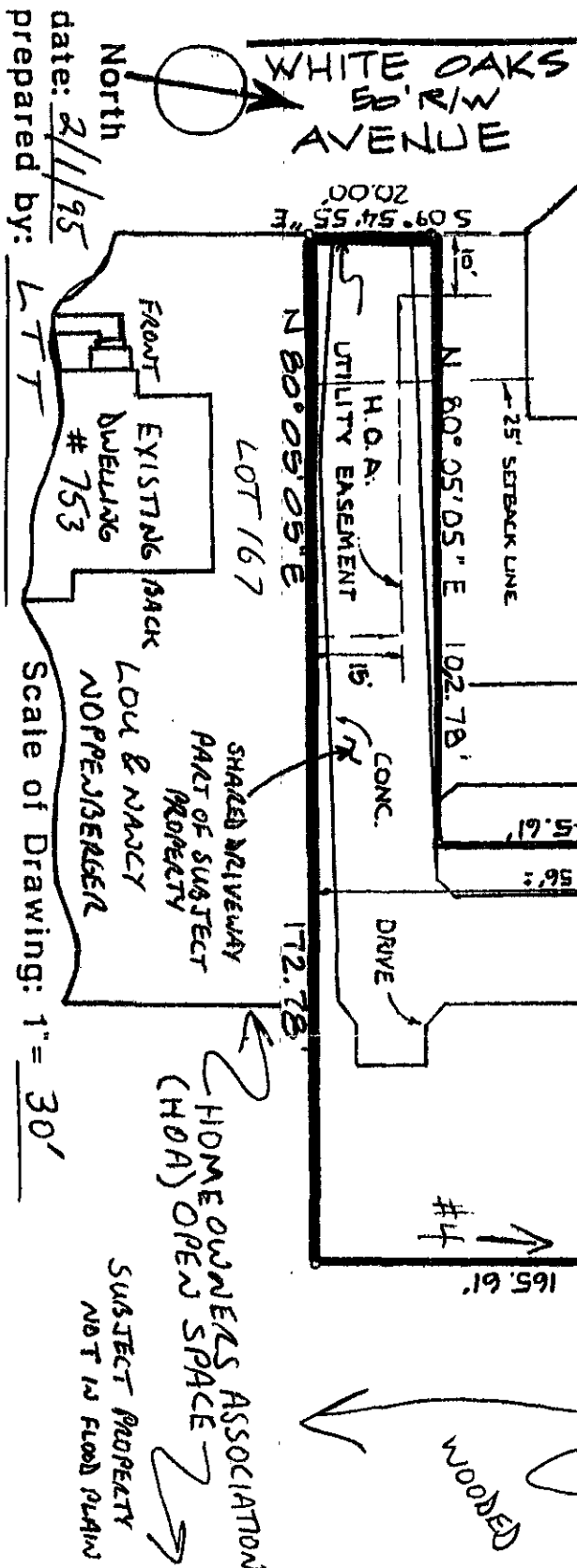
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: PHASE TWO PATAPSCO WOODS 21228

plat book # 57, folio # 103, lot # 166, section # 8

OWNER: LOUIS T. TOTTH & CELENE M. (CEATKOWSKI) TOTTH

12



## LOCATION INFORMATION

Election District: O1  
Councilmanic District: 1

T=200' scale map#: SW 5 F  
Zoning: DR 2  
Lot size: 0.313 acreage  
13/648.3 square feet

SEWER: ☒ public ☐ private  
WATER: ☒ yes ☐ no

Chesapeake Bay Critical Area:  
Prior Zoning Hearings:

## Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
PATAPSCO  
STATE PARK  
VICINITY

SHEET  
S.W.  
5-F

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSDALE, W. V. 26401

95-288-A

288-A



IN RE: PETITION FOR RESIDENTIAL  
ZONING VARIANCE  
E/S White Oaks Avenue, 2314' E  
of c/1 Hilton Avenue  
861 White Oaks Avenue  
1st Election District  
1st Councilmanic District  
Louis T. Toth, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 95-288-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Louis T. Toth and Celene M. Toth, his wife, for that property known as 751 White Oaks Avenue in the Phase 2, Patapsco Woods subdivision of Baltimore County. The Petitioner/property owners herein seek a variance from Sections 504, 301.1A of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 ft. for an open projection (deck), in lieu of the required 11-1/4 ft., as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22<sup>nd</sup> day of March, 1995 that the Petition for a Zoning Variance from Sections 504 and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 0 ft., for an open projection (deck), in lieu of the required 11-1/4 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmm

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 16, 1995

Mr. and Mrs. Louis T. Toth  
751 White Oaks Avenue  
Catonsville, Maryland 21228

RE: Petition for Administrative Variance  
Case No. 95-288-A  
Property: 751 White Oaks Avenue

Dear Mr. and Mrs. Toth:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm  
encl.

## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 751 WHITE OAKS AVE, CATONSVILLE, MD 21228  
which is presently zoned D.R.2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 504 (P.D.6.B. (3)(b)), 301.1A

To allow a side yard setback of zero feet for an open projection (deck) in lieu of the required 11-1/4 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The property on the side of the house on which the deck is proposed to be built is not safely accessible because this side slopes down and is dangerously steep.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

LOUIS T. TOTTH

(Type or Print Name)

Signature

CELENE M. (CZATHOWSKI) TOTTH

(Type or Print Name)

Signature

751 WHITE OAKS AVE, WORK: 573-4617

Address

CATONSVILLE, MD 21228

City, State, Zip

Name, Address and phone number of representative: (to be continued)

Address

City, State, Zip

Name, Address and phone number of representative: (to be continued)

Address

City, State, Zip

Name, Address and phone number of representative: (to be continued)

Address

City, State, Zip

Name, Address and phone number of representative: (to be continued)

Address

City, State, Zip

Name, Address and phone number of representative: (to be continued)

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City, State, Zip

Name, Address and phone number of representative: (to be continued)

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City, State, Zip

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City, State, Zip

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City, State, Zip

Name, Address and phone number of representative: (to be continued)

Address

City, State, Zip

Name, Address and phone number of representative: (to be continued)

Address

City, State, Zip



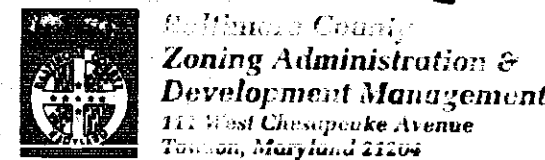
284  
Zoning Description 95-288-A

ZONING DESCRIPTION for 751 White Oaks Avenue, Catonsville, Maryland 21228

Beginning at a point on the east side of White Oaks Avenue which is 50 feet wide at the distance of 2,414 feet east of the centerline of the nearest improved intersecting street, Hilton Avenue, which is 75 feet wide. Being Lot # 166, Section # 8 in the subdivision of Phase Two Patapsco Woods as recorded in Baltimore County Plat Book # 57, Folio # 103, containing 0.313 acres. Also known as 751 White Oaks Avenue, Catonsville, Maryland, 21228 and located in the 1st Election District, 1st Councilmanic District.

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY 95-288-A  
Towson, Maryland

District: 166 Date of Posting: 2/27/95  
Posted for: Variances  
Petitioner: Louis T. & Celene M. Toth  
Location of property: 751 White Oaks Ave. E.B.  
Location of Signs: Along W. Hwy. on property being zoned  
Remarks:  
Posted by: [Signature] Date of return: 3/3/95  
Number of Signs: 1



receipt  
95-288-A  
Account: R001 6150  
Date: 2-14-95 Item Number: 284  
Taken by: ST  
# 010 - Residential Variance (acres) Along W. Hwy. 50 ft.  
# 080 - Sign & Posting 30 ft.  
Total: \$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

**NOTICE OF CASE NUMBER ASSIGNMENT**

RE: CASE NUMBER: 95-288-A (Item 284)  
751 White Oaks Avenue  
E/S White Oaks Avenue, 2414' E of c/l Hilton Avenue  
1st Election District - 1st Councilmanic  
Legal Owner(s): Louis T. Toth and Celene M. (Cajkosek) Toth

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a referee regarding the administrative process.

1) Your property will be posted on or before February 26, 1995. The closing date (March 13, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertisement are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon  
Director

cc: Louis and Celene Toth

Printed with Soybean Ink  
on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

March 8, 1995

Mr. and Mrs. Louis Toth  
751 White Oaks Avenue  
Catonsville, Maryland 21228

RE: Item No.: 284  
Case No.: 95-288-A  
Petitioner: Louis Toth, et ux

Dear Mr. and Mrs. Toth:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 14, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

Printed with Soybean Ink  
on Recycled Paper

**BALTIMORE COUNTY, MARYLAND**  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: March 7, 1995

SUBJECT: 751 White Oaks Avenue

**INFORMATION:**

Item Number: 284  
Petitioner: Toth Property  
Property Size: .313 acre  
Zoning: DR-2  
Requested Action: Variance  
Hearing Date: 1/1

**SUMMARY OF RECOMMENDATIONS**

The applicant requests a Variance to permit a side yard setback of zero feet for a deck in lieu of the required 11-1/4 feet.

Based upon the information provided, this office offers the following comment:

As pointed out in the letter from the Architectural Review Committee of the Patapsco Woods Home Owners Association, it is essential that the applicant understand that no portion of the deck or any other improvement is permitted to extend into the HOA area. With the exception of this concern, the staff offers no other comments regarding the appropriateness of the requested variance.

Prepared by: Jeffrey M. Long  
Division Chief: Gary L. Kelso  
PK/JL

**BALTIMORE COUNTY, MARYLAND**  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for March 8, 1995  
Items 284, 285, and 288

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:aw



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: \*284 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
Bob Small  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2289 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**BALTIMORE COUNTY, MARYLAND**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 3-1-95  
FROM: DEPRM  
Development Coordination  
SUBJECT: Zoning Advisory Committee  
Agenda: 2-27-95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 271  
284 ✓  
285  
286  
288  
289

Bruce Kelly  
3-1-95

LS:sp

LETTY2/DEPRM/TXTSBP



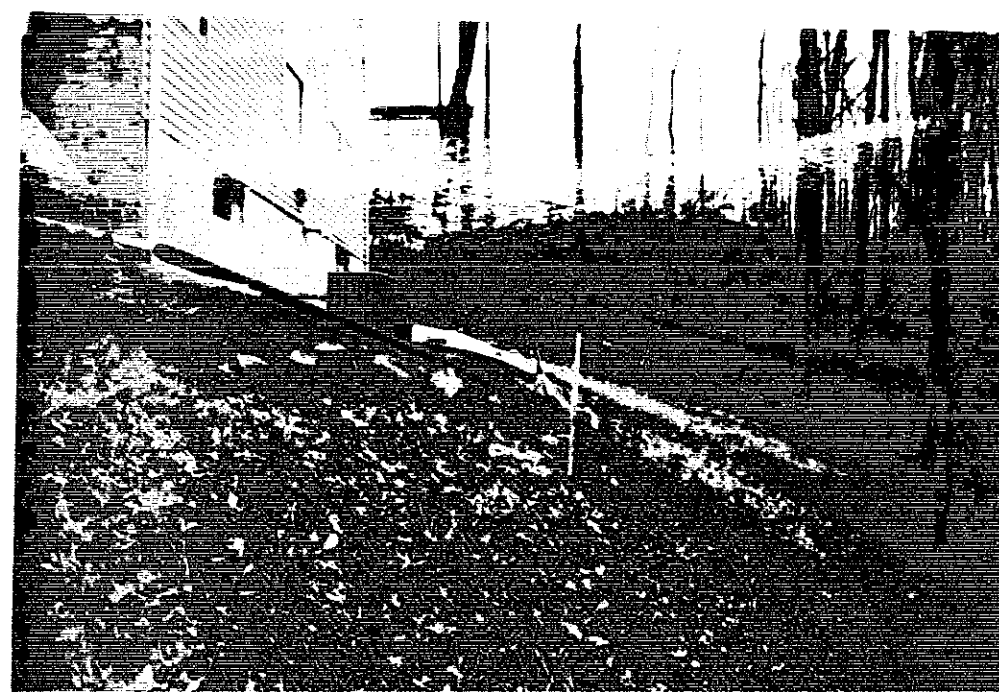
DATE: 02/27/95

ion  
Administration and  
Management  
County Office Building  
21204  
1105  
City Owner: SEE BELOW  
DISTRIBUTION MEETING OF FEB. 27, 1995  
SEE BELOW Zoning Agenda:

it to your request, the referenced property has been surveyed  
reum and the comments below are applicable and required to  
ed or incorporated into the final plans for the property.  
e Marshal's Office has no comments at this time,  
RENCE TO THE FOLLOWING ITEM NUMBERS 284, 286, 287 AND 288.

RECEIVED  
MAR 1 1995  
ZADM

LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F



95-288-A

LOCATIONS OF VIEWS  
IN PHOTOGRAPHS (5) ITEM #284

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 751 WHITE OAKS AVE. CATONSVILLE, MD 21228

Subdivision name: PHASE TWO PATAPSCO WOODS

plat book # 57, folio # 103, lot # 166, section # 8

OWNER: LOUIS T. TOTH & CELENE M. (CZATKOWSKI) TOTH

LOT 158 LOT 157

LOT 164 (FOR SALE) LOT 165 MIKE & MARY WIEGEL LOT 166

EXISTING DWELLING # 747

EXISTING DWELLING # 749

PROPOSED DECK

APPROX. GROUND LEVEL AROUND HOUSE

2 STY BRICK AND FRAME # 751

APPROX. 3'-4" HIGH ALONG PROPERTY LINE

APPROX. 48'-4" HOA OPEN SPACE

WOODED

WHITE OAKS AVENUE

25' SETBACK LINE

H.O.A. UTILITY EASEMENT

CONC. DRIVE

LOT 167

EXISTING DWELLING # 753

LOU & NANCY NOPPEMBERGER

SHARED DRIVEWAY PART OF SUBJECT PROPERTY

HOMEOWNERS ASSOCIATION (HOA) OPEN SPACE

SUBJECT PROPERTY NOT IN FLOOD PLAIN

North

date: 2/11/95

prepared by: LTT

Scale of Drawing: 1" = 30'

Vicinity Map scale: 1" = 2000'

LOCATION INFORMATION

Election District: O1

Councilmanic District: 1

1" = 200' scale map:

Zoning: D.R. 2

Lot size: 0.313 acreage 13,648.3 square feet

SEWER: ☒ ☐

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

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plat book # 57, folio # 103, lot # 166, section # 8

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LOT 158 LOT 157

LOT 164 (FOR SALE) LOT 165 MIKE & MARY WIEGEL LOT 166

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date: 2/11/95

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Scale of Drawing: 1" = 30'

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LOCATION INFORMATION

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Councilmanic District: 1

1" = 200' scale map: SW 5F

Zoning: D.R. 2

Lot size: 0.313 acreage 13,648.3 square feet

SEWER: ☒ ☐

WATER: ☒ ☐

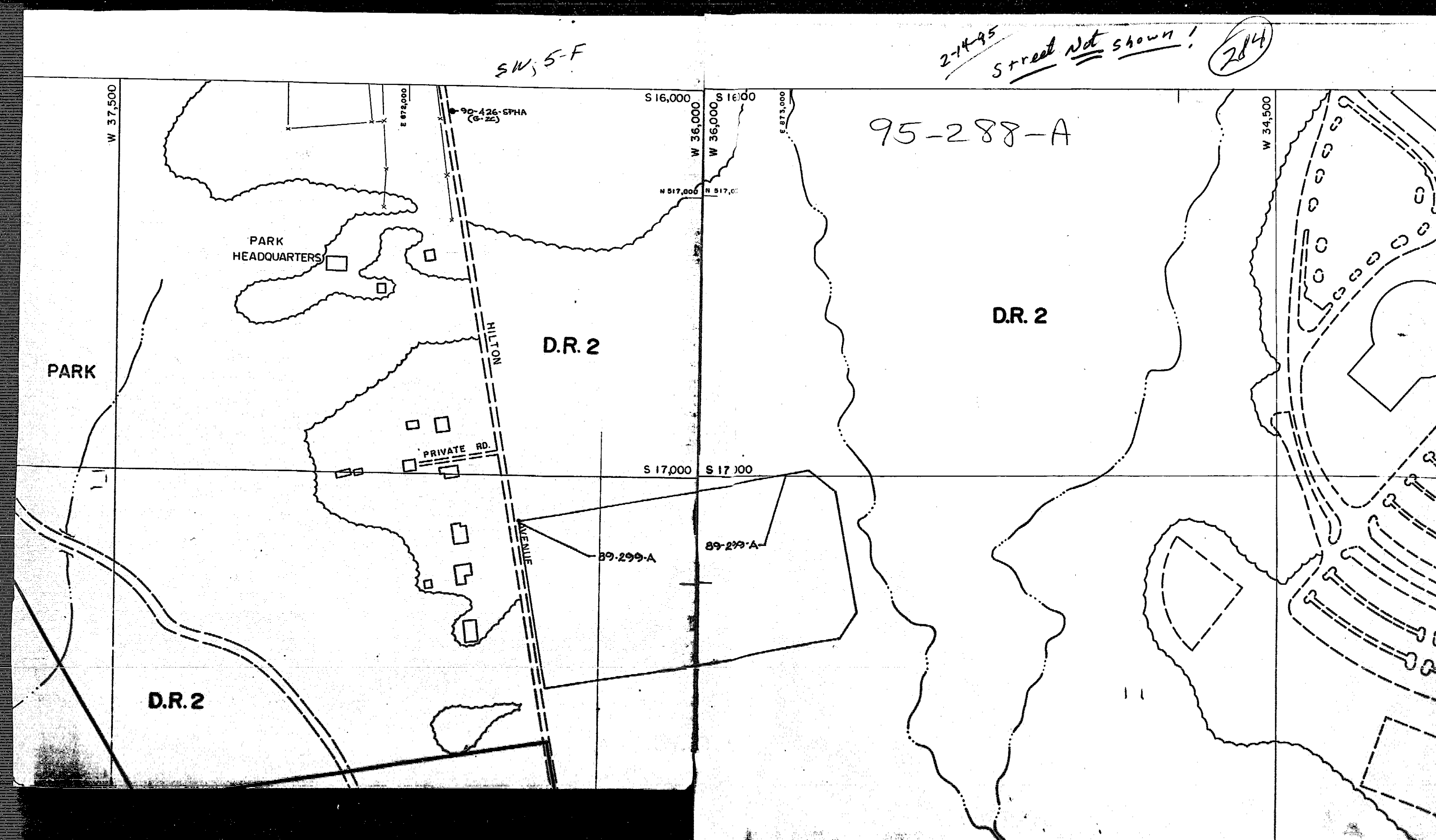
Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings:

95-288-A

Zoning Office USE ONLY!

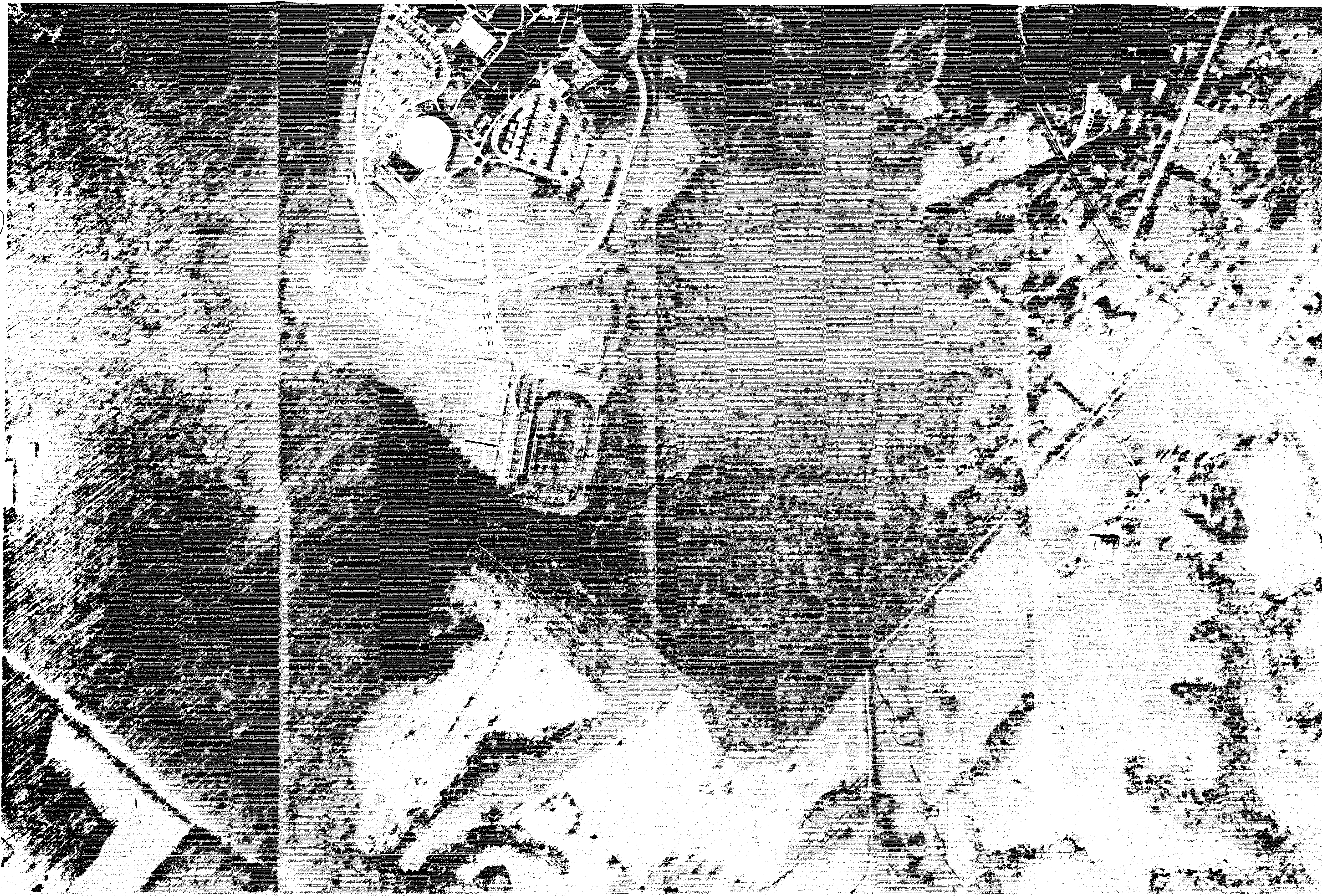
reviewed by: ITEM #: CASE#:





78E

95-288-A



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	PATAPSCO	S.W.
DATE OF PHOTOGRAPHY	STATE PARK	5 F
JANUARY 1986	VICINITY	